

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BO WANG, Individually and on
behalf of X.C.W. as the "Next Friend"
of X.C.W., a minor,

Plaintiff,

vs.

THE STATE OF NEBRASKA, et al.,

Defendants.

8:17-CV-375

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([filing 8](#)) recommending that the Court dismiss the plaintiff's claims. The Court will adopt the Magistrate Judge's findings and recommendation.

The Magistrate Judge entered an order ([filing 7](#)) on February 20, 2018, directing the plaintiff to show cause why his claims should not be dismissed for lack of prosecution, because he has not served process as required by [Fed. R. Civ. P. 4\(m\)](#). The plaintiff did not respond, so on March 12, the Magistrate Judge entered her Findings and Recommendation ([filing 8](#)). The time for objecting to the Findings and Recommendation has now passed. *See* [NECivR 72.2\(a\)](#); *see also* [Fed. R. Civ. P. 6\(d\)](#); [NECivR 6.1](#). No objection or other response has been made.

An involuntary dismissal for failure to serve process, failure to comply with the Court's order, or for failure to prosecute, is within the Court's discretion. Rule 4(m); [Fed. R. Civ. P. 41\(b\)](#); *see* [Schooley v. Kennedy](#), 712 F.2d 372, 373-74 (8th Cir. 1983). The plaintiff has failed to serve process, failed to comply with the Court's orders, and generally failed to prosecute the case.

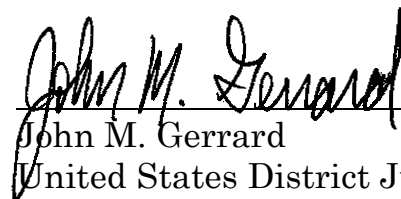
And 28 U.S.C. § 636(b)(1) provides for de novo review only when a party objected to the magistrate's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation (filing 8) are adopted.
2. The plaintiff's complaint is dismissed.
3. A separate judgment will be entered.

Dated this 30th day of March, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge